IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 15940 of 2007(V)

PETITIONER:

G.K.MALLIKA, D/O.LATE KUTTAPPAN,
AGED 40,RESIDING AT KURISINGAL HOUSE,
LAKSHAMVEEDU COLONY, MULAVAUKADU P.O.
MULAVUKADU VILLAGE, KANAYANNUR TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.MANJU ANTONEY

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY TO GOVERNMENT.,
LEGISLATURE COMPLEX, THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR, ERNAKULAM DISTRICT,
CIVIL STATION,
KAKKANADU, ERNAKULAM.

3. MALAVUKADU PANCHAYATH, REPRESENTED BY
ITS SECRETARY, MULAVUKADU.P.O. ERNAKULAM.

4. TAHSILDAR, KANAYANNOOR TALUK, ERNAKULAM.

5. VILLAGE OFFICER,
MULAVUKADU VILLAGE, ERNAKULAM.

6. THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT
THIRUVANATHAPURAM.

ADDL.R7. JOSE THOMAS,
S/O.P.A.JOSEPH, PANDARAPARAMBIL HOUSE,
MULAVIKAD P.O,
NEAR ST.ANTONY'S CHURCH,
ERNAKULAM.
(ADDL.R7 IMPLEADED AS PER ORDER DATED 12/7/07 IN IA 9134/07)

BY ADV. SRI.K.G.SARATHKUMAR
SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.K.N.CHANDRABABU
SR.GOVT.PLEADER SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.15940/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE PETITIONER'S CASTE CERTIFICATE DT.3.12.1997.

EXT.P2: TRUE COPY OF THE LETTER DT.28.6.95 SEND BY 2ND RESPONDENT DISTRICT COLLECTOR TO THE SECRETARY OF 3RD RESPONDNT PANCHAYATH.

EXT.P3: TRUE COPY OF THE APPLICATION FILED BY THE petitioner DT.24.8.2004 BEFORE THE 2ND RESPONDENT.

EXT.P4: TRUE COPY OF THE LETTER DT.13.1.2006 GIVEN BY THE 4TH RESPONDENT TAHSILDAR.

EXT.P4(a): TRUE COPY OF THE APPLICATION DT.18.1.06 FILED BY THE PETITIONER BEFORE 3RD RESPONDENT.

EXT.P5: TRUE COPY OF APPLICATION DT 18.12.03 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

EXT.P5(a): TRUE COPY OF THE LETTER DATED 18.12.2003 FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT VILLAGE OFFICER.

EXT.P6: TRUE COPY OF THE APPLICATION DATED 7.6.06 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

EXT.P7: TRUE COPY OF THE APPLICATION DATED 15.5.98 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P8: TRUE COPY OF APPLICATION DT.29.9.01.

EXT.P8(a): TRUE COPY OF THE FORWARDING LETTER OF EXT.P8 DT.1.10.2001.

EXT.P9: TRUE COPY OF APPLICATION DT.18.10.06 BEFORE THE OMBUDSMAN FOR THE LOCAL SELF GOVT. BY THE PETITIONER.

EXT.P10: TRUE COPY OF THE APPLICATION DT.17.2.2000 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P11: TRUE COPY OF THE ORDER DATED 14.2.2005 IN WP(C) NO.5075/05.

EXTS. OF R3

EXT.R3(A): TRUE COPY OF THE CONSENT LETTER DT.17.12.04

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 15940 OF 2007 V
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Dated this the 14th day of November, 2007

J U D G M E N T

Petitioner, who is an occupant of Panchayat land has filed this writ petition praying for a direction to the respondents to give patta to the petitioner for 2.5 cents of land (Panchayat puramboke) where the petitioner and her family are residing.

2. The land in question is admittedly a Panchayat puramboke land, which is also stated to be a portion of the landing place of the kadavu. Petitioner cannot claim any vested right for her continued occupation in the said land. It is apparently in view of this that the 3rd respondent has taken a lenient view in the matter and the Committee has decided to allot 3 cents of land in Marai Lakshamveedu Colony to the petitioner. This has been stated in the counter affidavit dated 12th September 2007 filed by the 3rd respondent. If that be so, the petitioner has to shift her residence to the land allotted by the Panchayat to her.

3. Petitioner complains that till date, she has not been intimated of any such allotment.

4. In view of this, I direct that the 3rd respondent shall intimate the petitioner the exact plot of land that is alloted to her in the Marai Lakshamveedu colony. On receipt of the said communication, petitioner shall take steps for vacating from the place under her occupation and shift her residence to the plot so allotted. Panchayat shall give intimation in this regard to the petitioner within 3 weeks from today and the petitioner shall hand over physical possession of the puramboke land presently occupied by her within three months thereafter.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp